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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/775,207

02/11/2004

Michael J. Hubbard

OMNO-0003-1

9961

7590

11/13/2006

EXAMINER

David G. Burleson  
Chief Intellectual Property Counsel  
OMNOVA Solutions, Inc.  
175 Ghent Road  
Fairlawn, OH 44333

ART UNIT

PAPER NUMBER

DATE MAILED: 11/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT

PAPER

20061108

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

Appellant's Brief presents arguments relating to certain matters occurring in the contents of an Appeal Brief during prosecution of SN 10/775,207. These issues relate to petitionable subject matter under 37 CFR 1.181 and not to appealable subject matter. See MPEP § 1002 and § 1201.

More particularly, multiple non-appealable issues have been set forth in appellant's Brief filed August 21, 2006, which are here listed below together with the page on which the Heading discussing the particular issue may be found. It is believed that each of these issues set forth, below can obtain relief only by Petition, which in each instance has not been attained and is believed not to have been attempted.

(page 7) Allegation that an affidavit acquired pursuant to 37 CFR (i.e. hereinafter "Rule") 1.104(d)(2) was not provided by the Examiner.

(page 9) Allegation that Rule 1.104(d)(2) affidavit not provided in Response to Request in After Final Amendment.

(page 12,14,15,16,17,23) Allegations of Prior Art rejection flaws under MPEP 706.02(j) and Rule 1.104 (c) (2).

(page 10) Allegations concerning Actions not taken by Examiner during prosecution involving Final Office Action flaws.

In each of these instances the above cited Action has been included in the Brief, and the accompanying issue discussed. It is the Examiner's firm belief that such entry of issues which constitute, even if proven, non appealable issues has made appellant's brief defective, and accordingly requires the filing of a new and properly revised Brief.

Appellant is required to comply with provisions of 37 CFR 41.37(c). To avoid dismissal of the appeal, Appellant must comply with the provisions of 37 CFR 41.37(c) within ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing of this communication. Extensions of time may be granted under 37 CFR 1.136.

Daniel Zirker  
Primary Examiner  
Art Unit: 1771